

CRA-S-87-2023 (O&M)

230(1) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRA-S-87-2023 (O&M)

Date of Decision: 15.01.2024

NIRMAL SINGH @ TITU

...Appellant

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Sharma, Advocate for the appellant.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Anshul Sharma, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through instant appeal, the appellant is seeking setting aside of the order dated 23.12.2022 passed by learned Additional Sessions Judge, Bathinda, whereby the application filed by the appellant seeking anticipatory bail in case FIR No. 293 dated 15.12.2022 registered under Sections 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506/34 of Indian Penal Code at Police Station Canal Colony Bathinda District Bathinda, has been dismissed.

2. On 12.04.2023, following order was passed:

“The appellant has filed the present appeal for setting aside the order dated 23.12.2022 passed by the learned Additional Sessions Judge, Bathinda whereby the application filed by the appellant for grant of anticipatory bail in case FIR No. 293 dated 15.12.2022 registered under Sections 3(1)(X) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-‘the Act’) and Section 506 read with Section 34 IPC at Police Station Canal Colony, Bathinda was dismissed.

Learned counsel for the appellant, inter alia, contends that the appellant has falsely been implicated

in the instant case. No case is made out against the appellant as ingredients of Section 3(1)(X) of the Act are not attracted against him. There are only general and vague allegations against the appellant. Nothing has to be recovered from him and as such his custodial interrogation is not required. Appellant is ready and willing to join the investigation as and when required by the Investigating Officer.

On the other hand learned counsel for the State vehemently opposed the submissions of learned counsel for the appellant.

Adjourned to 02.08.2023.

In the meantime, the appellant is directed to appear before the Investigating Officer within 10 days from today to join the investigation and on his appearance, he shall be released on interim anticipatory bail on his furnishing bail/surety bonds to the satisfaction of Investigating Officer/Arresting Officer. He shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

3. Learned State counsel, on instructions from Investigating Officer, submits that in compliance of order dated 12.04.2023 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 12.04.2023, is made absolute. The appellant shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The appeal is accordingly allowed.

15.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE